

Doc Code: AP.PRE.REQ



PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

YOR919990178US1 (8728-306)

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on March 29, 2006

Signature

Typed or printed name

Frank V. DeRosa

Application Number

09/507,526

Filed

2/18/00

First Named Inventor

Stephane H. Maes

Art Unit

2194

Examiner

Andy Ho

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 43,584

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Frank V. DeRosa

Typed or printed name

516-692-8888

Telephone number

March 29, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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*Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephane Maes

Serial No: 09/507,526

Filed: February 18, 2000



Examiner: Andy Ho

Group: Art Unit 2126

Docket: YO999-178 (8728-306)

For: **SYSTEMS AND METHODS FOR SYNCHRONIZING
MULTI-MODAL INTERACTIONS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Statement in Support of Pre-Appeal Brief Request for Review

This paper is being filed in support of Applicants' Pre-Appeal Brief Request for Review. A Notice of Appeal has been filed herewith in response to the Final Office Action mailed on November 29, 2005. Applicants respectfully contend that the claim rejections set forth in the Final Office Action are clearly erroneous as a matter of fact and/or law.

CERTIFICATE OF MAILING 37 C.F.R. §1.8(a)

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Dated: 3/29/06


Frank V. DeRosa

REMARKS

Applicant respectfully contends that the obviousness rejections of claims 1-37 are legally deficient as a matter of law and fact for at least the reasons set forth in Applicants' previous responses and amendments. Rather than reiterate those arguments in full, the following Statement will focus on the impropriety of the obviousness rejections of independent claims 1, 19 and 29 based on Hashimoto.

Applicant respectfully submits that at the very minimum, claims 1, 19 and 29 are patentable and non-obvious over Hashimoto and that the Examiner's obviousness rejection of claims 1, 19 and 29 is based on a gross misinterpretation of the Hashimoto as applied to the features of claims 1, 19 and 29.

For instance, the Examiner has failed to reasonably demonstrate how Hashimoto discloses or suggests, at the very least, a system or method for synchronizing multi-modal interactions, comprising, *inter alia*, *a multi-modal application comprising at least a first mode process that enables user interaction with the application in a first modality and a second mode process that enables user interaction with the application in a second modality*, as commonly recited in claims 1, 19 and 29.

Indeed, in the Response to Arguments section, the Examiner relies on, e.g., FIG. 6 of Hashimoto to explain how Hashimoto discloses a multi-modal application. However, Examiner's argument is based on a seemingly gross misconstruction of the claim language in an attempt to fit Hashimoto to the claims. Indeed, claims 1, 19 and 29 commonly recite a *multimodal application comprising first and second mode processes*, which claim features are not properly addressed by the Examiner in formulating a reasonable basis for the rejections, and which claim features in any event are not disclosed by Hashimoto.

FIG. 1 of Applicants' specification discloses a multi-modal application (12) (Application A) comprising a first (speech) mode process (12a) and a second (GUI) mode process (12b). **In accordance with the claimed inventions, the multi-modal application (12) with multiple mode processes (12a) and (12b) is an application that is written for multiple modalities, which can be synchronized via a multi-modal shell application (18/20).** This is to be contrasted with separate, mono-mode GUI and Speech mode applications (14) and (16) that can communicate via the MM shell application (see, e.g., relevant description on page 11, line 13, through page 12, line 6; and page 14, lines 3-16 of Applicants' specification).

In this regard, when the claims are properly construed, Hashimoto clearly does not disclose a *multi-modal application* comprising a first mode process and second mode process, as contemplated by the claimed invention. There is nothing in Hashimoto that discloses or suggests that the application programs (2) or the SRS (1) in FIG. 6 are different application mode processes of a multi-modal application, which are written for different user-interaction modalities supported by the multi-modal application, as contemplated by the claimed invention.

In fact, the Examiner essentially admits this on page 12 of the Final Office Action that the SRS (1) of FIG. 6 simply acts as an interface of a mono-mode GUI application (2) to transfer unit inputs into recognizable results which are transferred to the application (2). In this regard, the SRS (1) and the application (2) may be construed, at most, as being an interface to a mono-mode application (2) which interact via message communication to provide a speech interface for a GUI application. The SRS (1) clearly is not a speech mode process of a multimodal application (2). The applications (2) are separately written /authored as GUI applications, and the SRS performs message exchange to enable speech interaction with the GUI mode process.

The Examiner knows this but continues to ignore the fact that Hashimoto clearly does not disclose or suggest a multi-modal application with multiple mode processes - an application that is written for multiple modalities - as contemplated by the claimed inventions.

Moreover, the Examiner's fundamentally flawed legal reasoning and gross mischaracterization of Hashimoto as applied to the claim language is further evident by the fact that that Examiner interprets the MPU unit (11) of the SRS (1) in FIG. 6 and SRS (1A) in FIG. 56 as a the claimed "multi-modal shell" . The Examiner's characterization of the SRS (1) functionality as both a multimodal shell and as a mode process of a multimodal application is seemingly inconsistent, and does not support the Examiner's contention that Hashimoto discloses *a multi-modal shell for managing and synchronizing information exchanges between the first and second mode processes of the multi-modal application to enable a synchronized multi-modal interaction with the application*, as recited in claim 1.

In this regard, the Examiner's rejections are seemingly based on a strained parsing of the claim language as applied to different embodiments of Hashimoto, which fails to set forth a cohesive, or otherwise legally sufficient reasoned argument as to how Hashimoto suggests the inventions of claims 1, 19 or 29 as a whole. For instance, with respect to claims 19 and 29, it is respectfully submitted that Hashimoto does not disclose or suggest *updating application states or device states associated with the first and second processes*, as recited in claims 19 and 29. Indeed, as is evident from the Examiner's arguments with respect to this feature as set forth on page 8 of the Office Action, the Examiner's argument is based on little bits and pieces of unrelated disclosure over different portion of Hashimoto, which when read together make no sense and don't support the Examiner's reasoning, and further render previous arguments made by the Examiner inconsistent with regard to prior interpretations of the claim language as applied

to Hashimoto (see, e.g., page 8 (re: claim 19) where several unrelated lines in Col. 25, 42 and 76 of Hashimoto are cited as a basis for Examiner's assertion that Hashimoto discloses updating a second mode process of a multi-modal application when an action is triggered in one mode process). The strained parsing of the claim language coupled with the inconsistencies in Examiner's interpretations of Hashimoto as applied to the claim language underscores the erroneous of the obviousness rejections.

Accordingly, claims 1, 19 and 29 are patently distinct and patentable over Hashimoto. Furthermore, claims that depend from claims 1, 19 and 29 are patentable over Hashimoto at least for the same reasons given for respective base claims 1, 19 and 29. Therefore, withdrawal of the obviousness rejections is requested.

Respectfully submitted,



Frank V. DeRosa
Reg. No. 43,584

F.CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, New York 11797
Tel: (516) 692-8888
FAX: (516) 692-8889